IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 646 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KAPILABEN VASUDEV

Versus

STATE OF GUJARAT

Appearance:

MR MB GANDHI for Appellants No. 1-5

MR HASMUKH PATEL, AGP for Respondents No. 1-2

MR VIBHUTI NANAVATI for Respondents No. 3-16

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 29/01/2002

ORAL JUDGEMENT

1. Admit. Service of notice of admission is waived by Mr.Hasmukh Patel, learned AGP for respondent Nos.1 and

2 and Ms.Vibhuti Nanavati, learned advocate for the respondent Nos.3 to 16. At the request of both the parties, this appeal is taken up for final hearing.

2. The learned advocates for both the parties jointly submit that this appeal be disposed of by giving suitable directions to the trial Court as well as the parties, without assigning reasons. Looking to the facts and circumstances of the case, this appeal is disposed of by giving following directions.

i. The learned Judge of the trial Court is directed to decide and dispose of Civil Suit No.469 of 1999, which is pending on the file of City Civil Court, Ahmedabad, within 12 months from the date on which the suit becomes ready in all respects for recording evidence, if any, of both the parties.

ii. Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court, so as to enable him to dispose of the suit within a given time.

iii. Meanwhile, the respondent Nos.1 and 2 are directed to maintain status-quo with regard to recovery of land revenue, for which notices are challenged in the suit qua appellant only.

iv. The respondent Nos.1 and 2 may take action for recovery of land revenue, by taking legal action against the property in question in accordance with law by observing statutory provisions of law applicable and principles of natural justice.

3. In view of the directions given hereinabove, at the instance of both the parties, this appeal stands disposed of accordingly. No order as to costs.

(H.H.Mehta,J.)
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